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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/723,146

11/25/2003

Hue Scott Snowden

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KIMBERLY-CLARK WORLDWIDE, INC.  
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EXAMINER

FLETCHER III, WILLIAM P

ART UNIT

PAPER NUMBER

1762

MAIL DATE

DELIVERY MODE

05/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/723,146

Applicant(s)

SNOWDEN ET AL.

Examiner

William P. Fletcher III

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/20/2006 & 3/5/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 28-32 and 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27, 33, 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. The compliant amendment and remarks filed 11/20/2006 and 3/5/2007 are noted with appreciation.
2. Claims 1-35 remain pending.

***Election/Restrictions***

3. Claims 28-32 and 35 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 2/27/2006.

***Response to Arguments***

4. The objection to the claims set-forth in the prior Office action are withdrawn in view of the amendment.
5. The rejections under 35 USC 112, 2<sup>nd</sup> Para. set-forth in the prior Office action are withdrawn. Upon, further consideration, these claims are sufficiently definite as-written.

***Response to Arguments***

6. Applicant's arguments filed 11/20/2006 have been fully considered but they are not persuasive.
  - A. Applicant argues that the Examiner should not equate Baldwin's monovalent salt to the claimed anti-static agent; rather, to the claimed monovalent salt. The Examiner disagrees because the claim does not preclude the anti-static agent's being a monovalent salt and because the claim does not require that the anti-static agent be separate and distinct from the monovalent salt (i.e., that the monovalent salt cannot also function as the anti-static agent). Consequently, this argument is not persuasive.

B. Applicant also argues that there is no motivation to combine Baldwin with Coates. The Examiner disagrees. As noted in the prior Office action, Baldwin does not explicitly limit the fluoropolymer (cationic, anionic, etc.) added to the composition and, consequently, one of ordinary skill would have looked to the prior art for suitable examples of fluoropolymers. The teaching of Coates suggests that an anionic fluoropolymer may be utilized to impart alcohol repellency to a film. As such, one of ordinary skill in the art would have been motivated to incorporate such an anionic fluoropolymer based on the expectation of achieving a similar result: imparting alcohol repellency to the film. Consequently, this argument is not persuasive.

C. Finally, with respect to the Examiner's assertions of certain properties as "well-known in the art" (paragraph 14C of the prior Office action), Applicant's traversal is deficient because it fails to state why the features cited as "well-known in the art" would not have been well-known at the time of the invention. See MPEP 2144.03(C). Consequently this argument is not persuasive.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that

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was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**9. Claims 1-4, 6-8, and 11-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin (US 4,411,928 A) in view of Coates (US 4,082,887 A).**

A. These claims remain rejected for the reasons set-forth under this heading in the prior Office action.

**10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin in view of Coates, as applied to claim 1 above, and further in view of Gilbert (US 4,000,233 A) or Weipert (US 4,169,062 A).**

A. This claim remains rejected for the reasons set-forth under this heading in the prior Office action.

**11. Claim 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin in view of Coates, as applied to claim 1 above, and further in view of Potts (US 5,145,727 A).**

A. These claims remain rejected for the reasons set-forth under this heading in the prior Office action.

**12. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin, Coates, Gilbert of Weipert, and Potts.**

A. These claims remain rejected for the reasons set-forth under this heading in the prior Office action.

### ***Conclusion***

**13. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

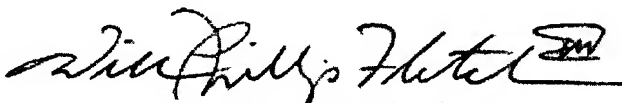
14. The prompt development of clear issues in the prosecution history requires that applicant's reply to this Office action be fully responsive (MPEP § 714.02). When filing an amendment, applicant should specifically point out the support for any amendment made to the disclosure, including new or amended claims (MPEP §§ 714.02 & 2163). A fully responsive reply to this Office action, if it includes new or amended claims, must therefore include an explicit citation (i.e., page number and line number) of that/those portion(s) of the original disclosure which applicant contends support(s) the new or amended limitation(s).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Fletcher III whose telephone number is (571) 272-1419. The examiner can normally be reached on Monday through Friday, 0900h-1700h.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy H. Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



William Phillip Fletcher III  
Primary Examiner  
Art Unit 1762

May 13, 2007